

FILED

JUN - 5 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-6819
Fax: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2012-880

13 **ARNOLD MARK BECOTE**
P.O. Box 576021
Modesto, CA 95357

ACCUSATION

14 Vocational Nurse License No. 226017

15 Respondent.

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17 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of
21 Consumer Affairs.

22 2. On or about February 21, 2007, the Board issued Vocational Nurse Number 226017
23 to Arnold Mark Becote ("Respondent"). The license was in full force and effect at all times
24 relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that
27 the Board may discipline the holder of a vocational nurse license for any reason provided in
28 Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Code section 118(b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

STATUTORY PROVISIONS

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

(a) Unprofessional conduct. . .

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

6. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime)**

3 8. Respondent is subject to discipline pursuant to Code section 2878(f), in that on or
4 about November 19, 2012, in the case of *People vs. Arnold Mark Becote*, (Super. Ct. Stanislaus
5 County, 2012, Case No. 1450152), Respondent was convicted by the court on his plea of nolo
6 contendere of violating Vehicle Code section 23152(b) (driving a motor vehicle with a blood
7 alcohol level of .08% or higher), a misdemeanor, with a prior conviction of the same, as more
8 particularly set forth in paragraph 11, and Vehicle Code section 23578 (driving a motor vehicle
9 with a blood alcohol content of .15% or higher). The circumstances of the crime were that on or
10 about August 21, 2012, Respondent drove a vehicle with a blood alcohol level of .19%. The
11 crime is substantially related to the qualifications, functions, or duties of a vocational nurse.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Dangerous Use of Alcohol)**

14 9. Respondent is subject to discipline pursuant to Code section 2878(a), on the grounds
15 of unprofessional conduct as defined by Code section 2878.5(b), in that Respondent used alcohol
16 to an extent or in a manner dangerous or injurious to himself or others, as more particularly set
17 forth in paragraph 8.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Conviction of Crimes Involving the Consumption of Alcohol)**

20 10. Respondent is subject to discipline pursuant to Code section 2878(a), on the grounds
21 of unprofessional conduct as defined by Code section 2878.5(c), in that Respondent has been
22 convicted of crimes involving the consumption of alcohol, as more particularly set forth in
23 paragraph 8.

24 **MATTERS IN AGGRAVATION**

25 11. On or about April 22, 2011, the Board issued Citation Number CV-2010-2637
26 against Respondent's vocational nurse license for violating Business and Professions Code
27 ("Code") section 2878.5(c) (conviction of a crime involving the consumption of alcohol), in that
28 on or about October 12, 2010, in the case of *People vs. Mark Arnold Becote*, (Super. Ct.

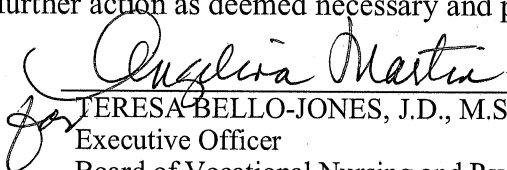
1 Stanislaus County, 2010, Case No. 1420551), Respondent was convicted by the court on his plea
2 of nolo contendere of violating Vehicle Code section 23103.5 (reckless driving involving alcohol
3 or drugs, or both), a misdemeanor. The circumstances of the crime were that on or about May 16,
4 2010, Respondent drove a vehicle with a blood alcohol level of .09%. On or about April 22,
5 2011, the Board assessed an administrative penalty (fine) in the amount of \$500. Respondent
6 paid the fine on April 5, 2012.

7 **PRAYER**

8 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
10 Technicians issue a decision:

- 11 1. Revoking or suspending Vocational Nurse License Number VN 226017, issued to
12 Arnold Mark Becote;
- 13 2. Ordering Arnold Mark Becote to pay the Board of Vocational Nursing and
14 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
15 pursuant to Business and Professions Code section 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: June 5, 2013

18 
19 TERESA BELLO-JONES, J.D., M.S.N., R.N.
20 Executive Officer
21 Board of Vocational Nursing and Psychiatric Technicians
22 Department of Consumer Affairs
23 State of California
24 Complainant

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